761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: June 11, 2001

OFFICE CORRESPONDENCE FILE:

FROM: RICHARD L. CASTRO, COMMANDER
PERSONNEL AND TRAINING DIVISION

TO: ARTHUR NG, CAPTAIN
NARCOTICS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, JUNE 13, 2000, IAB REVIEW #2014835**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on June 13, 2000.

The Committee met on June 7, 2001 and consisted of myself, Commander David Betkey (Commander of the Department) and Commander Richard Martinez (Court Services Division). The Committee determined that the use of force by Sergeant [redacted] #[redacted] and Deputies Carlos Parga #[redacted] and [redacted] #[redacted] was within Department policy. Please advise these personnel of this finding.

RLC:KRK:kk

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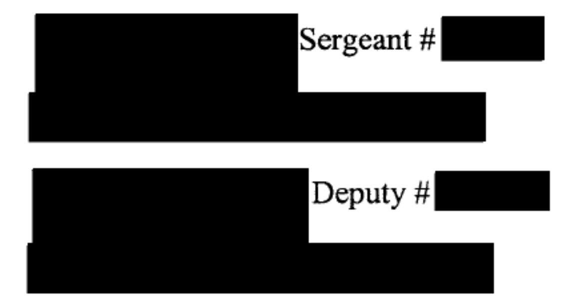
INVESTIGATIVE SUMMARY
TYPE OF INCIDENT: DEPUTY INVOLVED SHOOTING
IAB FILE NUMBER: SH 2014835
URN: 000-01061-3699-055

<u>OPENING STATEMENT</u>:

On Tuesday, June 13, 2000, Sergeants Gregg and Porlier of the Internal Affairs Bureau responded to 4233 Santa Anita Avenue, El Monte (El Monte Airport) regarding a shooting that occurred when members of the Community Oriented Multi-agency Narcotics Enforcement Task Force (COMNET) attempted to arrest Suspect Brouwer and Suspect Brouwer produced a handgun. Deputy Parga shot Suspect Brouwer once, in the right leg. Internal Affairs Bureau Lieutenant Johnson also responded. Sergeant Patrick Hunter from Field Operations Support Services also responded.

I. <u>INVOLVED PERSONNEL:</u>

<u>PARGA</u>, Carlos, Deputy # [redacted]
Detective Division
Narcotics, COMNET Task Force



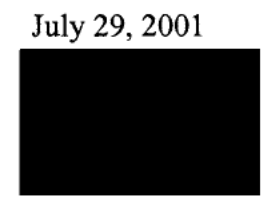
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[redacted]

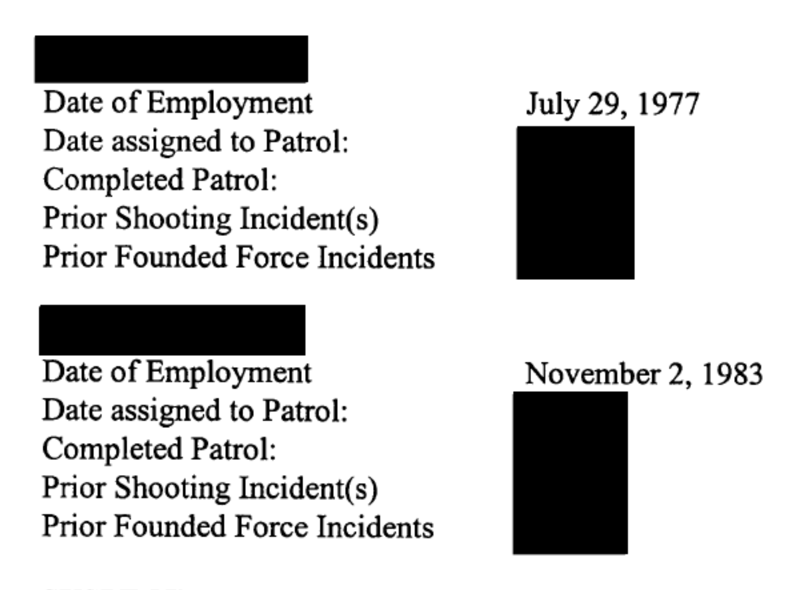
[redacted] Deputy # [redacted]
[redacted]

<u>EMPLOYEE WORK HISTORY</u>:

<u>PARGA</u>, Carlos

Date of Employment	July 29, 2001
Date assigned to Patrol:	[redacted]
Completed Patrol:	
Prior Shooting Incident(s)	
Prior Founded Force Incidents	





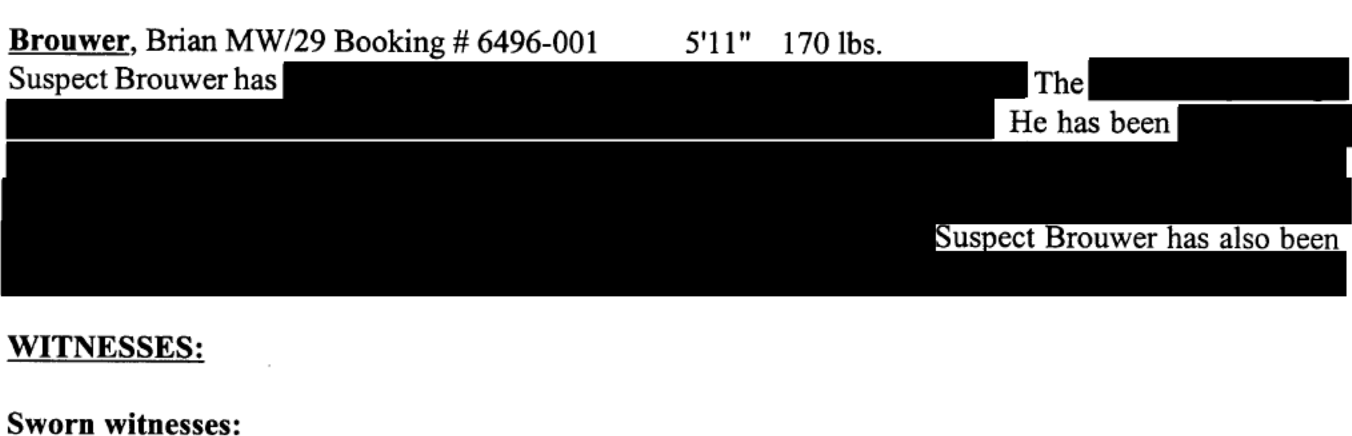
[redacted]

Date of Employment — July 29, 1977
Date assigned to Patrol: [redacted]
Completed Patrol:
Prior Shooting Incident(s)
Prior Founded Force Incidents

[redacted]

Date of Employment — November 2, 1983
Date assigned to Patrol: [redacted]
Completed Patrol:
Prior Shooting Incident(s)
Prior Founded Force Incidents

II. SUSPECT:



Brouwer, Brian MW/29 Booking # 6496-001 5'11" 170 lbs.
Suspect Brouwer has [redacted] The [redacted] He has been [redacted] Suspect Brouwer has also been [redacted]

III. WITNESSES:

Sworn witnesses:



[redacted] # [redacted]
Troy Ewing, # [redacted]
Joseph Acevado, # [redacted]
Richard Dewitt, # [redacted]
Craig Husbands, # [redacted]
[redacted] # [redacted]

Civilian witnesses:



[redacted]

IV. INJURIES:

No deputies were injured during this incident. Suspect Brouwer sustained a single gunshot wound to his right leg.

V. PHYSICAL EVIDENCE:

The following evidence was recovered from Suspect Brouwer:

- Gunshot residue kit # 26123, taken from Suspect Brouwer **(Refer Exhibit A, page 10)**

The following evidence was recovered from the shooting scene:

- 1 expended shell casing, Winchester Luger brand. Lab receipt # J098778 **(Refer Exhibit A, page 32, item #1)**
- Suspect Brouwer's clothing. **(Refer Exhibit A, page 33, item #2)**
- 9mm pistol, Kahr Brand, serial # [redacted] containing (7) live 9mm rounds. Lab receipt # J098777 **(Refer Exhibit A, page 33, item #3)**
- Front and back panel of "Point Blank" body armor vest. **(Refer Exhibit A, page 33, items #4-5)**
- One expended projectile. Lab receipt # J098778. **(Refer Exhibit A, page 33, item # 6)**
- Newspaper article depicting Suspect Brouwer's standoff with police. **(Refer Exhibit A, page 33, item #7)**
- Camcorder cassette tape of crime scene. **(Refer Exhibit A, page 33, item #8)**

The following items were recovered from various areas:

- VHS time lapse tape from El Monte Airport security cameras. **(Refer Exhibit A, page 89, item #9)**
- 9mm pistol, Beretta, serial # BER[redacted]Z. Lab receipt # 091901 recovered from Detective Parga. **(Refer Exhibit A, page 89, item #10)**
- Expended 9mm cartridge casing, head stamped "Win 9mm Luger". Lab receipt # J098783. **(Refer Exhibit A, page 89, item #11)**

VI. INVESTIGATOR OBSERVATIONS:

Personnel involved in this incident used a Department umarked vehicle to block the suspect vehicle from leaving the airport property through an electronic gate. Although unorthodox, personnel in specialized units are trained in using their vehicles for the containment of suspects attempting to flee in a vehicle.

VII. WEAPONS USED BY DEPUTY PERSONNEL:

List any and all weapons used by Sheriff's personnel, including the type and, where applicable, the number of rounds discharged, including the number of spent casings recovered.

DETECTIVE PARGA:

SERVICE WEAPON TYPE:	Berretta 9mm, serial #[redacted]Z
BATON/FLASHLIGHT/SAP	N/A
TYPE OF AMMUNITION USED:	Winchester Luger
DATE EMPLOYEE LAST QUALIFIED:	[redacted]
DATE LAST TRAINED WITH WEAPON:	

VIII. WEAPONS USED BY SUSPECTS:

No weapon was used by Suspect Brouwer. A "Kahr" 9mm semi automatic pistol was recovered from the interior of the car.

IX. PROPERTY DAMAGE:

- 1986 Honda, black, license #[redacted] Single gunshot through rear passenger window.

X. CRIMINAL INVESTIGATOR/CHARGES FILED:

List who conducted the criminal investigation and what, if any, charges were filed by the court.

INVESTIGATOR'S NAME	Sergeant Rod Kusch, Homicide Bureau
COURT:	Pasadena
CHARGES:	245 (D)(2) PC, 12021 PC
COURT DATE:	Sentenced to State Prison, 02/07/2001

XI. LIGHTING AND WEATHER CONDITIONS:

The weather was clear and warm. The shooting occurred during daytime.

XII. INVOLVED EMPLOYEE'S STATEMENTS:

Detective Parga was interviewed on June 13, 2000. He said that after attending a briefing he and other members of the COMNET task force began a surveillance at the El Monte Airport. The task force was looking for a named robbery suspect, Brian Anthony Brouwer. Suspect Brouwer was also known to transport and sell Methamphetamine. Suspect Brouwer had made statements that if he was contacted by law enforcement officers, he intended to "shoot it out" with them.

During the surveillance, Detective Parga was riding in an unmarked van along with Sergeant [redacted] and Detectives [redacted] and Troy Ewing. The team members in the van had been assigned to contact Suspect Brouwer, and arrest him if he arrived at the airport.

After approximately two hours, Detective Parga heard from other team members that Suspect Brouwer had arrived at the airport, hangar Q-14, in a black Honda. Also in the Honda was an unidentified male white and an unidentified female white. Detective Medina relayed to other team members that the male white had exited the vehicle and was knocking on the hangar door. When there was no answer, the male white again entered the Honda and it drove away. Toward the airport exit. Detective Medina told the team members in the van she was not sure if Suspect Brouwer was inside the vehicle. She told them to stop the Honda and identify the occupants. Detective Acevado blocked the Honda from exiting through east, electronic gate by placing his unmarked, burgundy, Nissan Pathfinder at the gate. The Pathfinder was parked across and north of the suspect vehicle. The suspect vehicle had pulled to the south side of the road to allow another car through the gate **(Refer to Exhibit B for placement of vehicles)**. The unmarked van stopped directly behind the Honda, preventing the car from going forward or back.

Detective Parga said Sergeant [redacted] and Detective Ewing approached the Honda on the driver's side, Detective [redacted] approached the passenger side with Detective Parga slightly behind him. This type of approach is known as a "mushroom" approach, which Detective Parga described as a semi-circular approach, initially walking out and away from the Honda, then circling back toward the Honda. This type of approach was used to lessen the chance of a crossfire if a shooting were to occur.

As the four approached the Honda, Sergeant [redacted] recognized the rear seat passenger as Suspect Brouwer. Suspect Brouwer apparently recognized the four as law enforcement and began yelling, "Go, go, go, hit it, hit it." While yelling this, Suspect Brouwer tried to shift the car into gear by kicking at the stick shift. Suspect Brouwer yelled at the detectives, "Shoot me!" Detective Parga and his partners began yelling orders to the occupants of the car. They ordered the driver, [redacted] and the passenger, [redacted] to exit the vehicle.

Detective Parga was standing adjacent to the right, rear, window and saw that Suspect Brouwer had his hands in his pockets. Detectives ordered Suspect Brouwer to remove his hands from his pockets. Detective Parga said, he believed his orders were given in a "high pitched" voice, because he was "scared and nervous." He said his orders were extremely loud.

Suspect Brouwer began extending his right leg forward while leaning back and reaching deeper into his right, front, pocket. As Suspect Brouwer leaned back, Detective Parga saw that he was wearing a bullet resistant vest. Detective Parga said it appeared Suspect Brouwer was trying to remove something from his right pocket, but was having difficulty removing it.

Suspect Brouwer was continually yelling, "Go ahead, shoot me!" as he tried to remove the object from his pocket. Detective Parga saw Suspect Brouwer remove a blue steel pistol from his pocket and began leaning forward in the direction of Sergeant [redacted]

Detective Parga said that based on Suspect Brouwer's statements that he wanted to be shot, his previous statements indicating he would shoot it out with law enforcement, the fact that he was wearing a bullet resistant vest and the fact that armed himself with a pistol and was leaning forward toward Sergeant [redacted] he believed Suspect Brouwer was about to shoot and possibly kill Sergeant [redacted] or other members of the team. Detective Parga fired one bullet from his duty Beretta through the rear passenger window at Suspect Brouwer. After he fired, Detective Parga saw that Suspect Brouwer's gun "flew" forward onto the center console or the driver's side front seat. Sergeant [redacted] reached in and retrieved the gun from the front seat area of the car.

Team members once again ordered Suspect Brouwer out of the Honda. Suspect Brouwer refused, so Sergeant [redacted] reached into the car and pulled Suspect Brouwer from the car through the open driver's side door. Detective Parga then focused his attention on Suspects [redacted] and [redacted] who were now standing near the passenger side of the Honda. Another member of the team arrived and watched Suspects [redacted] and [redacted] Detective Parga assisted Sergeant [redacted] and Detective [redacted] in handcuffing Suspect Brouwer.

Detective Parga is convinced that, if Suspect Brouwer was stopped by patrol officers without knowing who Suspect Brouwer was, there would have been a shoot out and the officers would have been hurt or killed. He is sure Suspect Brouwer meant to shoot it out with his team, but they were prepared and had an element of surprise. **(Refer to Exhibit A, page 92)**

Sergeant [redacted] is the Sergeant of the COMNET task force. The task force has been federally funded since 1998 as part of a grant task force, targeting street-level to mid-level narcotics dealers. The task force lend their services to outside agencies who have drug problems. The team consists of one lieutenant, one sergeant, one Operation Safe Streets deputy and six narcotic investigators.

The task force had received information from Monrovia Police Department, [redacted] that Suspect Brouwer had been running drugs in the community. Detective [redacted] had also learned, from informants, that Suspect Brouwer was committing street armed robberies of other drug dealers. The informant stated that Suspect Brouwer would walk up to other drug dealers, stick a gun in their mouth, and take their money and drugs. Information was also received, from surrounding jurisdictions that they were also looking for Suspect Brouwer. Arcadia Police Department had obtained $415,000 warrant for the arrest of Suspect Brouwer. The charge was armed robbery and assault with a deadly weapon. In that case, Suspect Brouwer had shot at the victim.

The COMNET task force had been conducting surveillances of the Suspect Brouwer's hangouts for approximately a week and a half. They were unable to locate Suspect Brouwer because he seemed to always be moving. The task force had also been informed that Suspect Brouwer had been involved in several pursuits, where he had been the driver and eluded capture.

On June 13, 2000, Detective Medina received information that Suspect Brouwer may be in hangar Q-14, at the El Monte airport. The informant had seen Suspect Brouwer there the previous evening. Based on this information, a surveillance of the airport and hangar Q-14 was set up. Prior to the surveillance an

operation plan was prepared and personnel involved were briefed.

Sergeant [redacted] had Detective Husbands contact the general manager of the airport. The general manager was able to provide a description of two vehicles Suspect Brouwer might have been be using. One was a black Honda, the other was a blue Pontiac. Detective Husbands began researching surveillance camera tapes to ascertain if and when Suspect Brouwer had arrived or left the airport. The time was approximately 1030 hours.

Sergeant [redacted] and Detectives Montoya, Parga and Ewing positioned themselves in a van south of Hangar Q-14. While waiting there, Detective Husbands contacted the team and said Suspect Brouwer had left the airport, through the south gate, at 0903 hours. Detective Medina learned from an informant that Suspect Brouwer was trying to leave the country. He was trying to sell his blue Pontiac for money to do so. It was also learned that Suspect Brouwer was wearing a bullet proof vest and was armed with a gun.

At approximately 1445 hours, a team member saw the black Honda enter the airport from the south gate, with 2-3 other people in the car. Sergeant Dickey had planned to arrest the suspect at one of the gates, knowing that he would be delayed in exiting the gate because they are electronic and shut until activated.

The suspect vehicle was watched as it went to hangar Q-14, a male occupant exited the car and began knocking on the hangar door. After no one answered the door, the male returned and entered the car. The car left the location. As the Honda approached the gate at Emory Street, Sergeant [redacted] stopped the unmarked van he was driving directly behind the Honda. All four team members in the van exited through different doors and began to approach the Honda. Sergeant [redacted] as he approached the Honda, began yelling, "Sheriff's Department!" He recognized the rear seat passenger as Suspect Brouwer, he yelled to the other team members, "Suspect! Suspect!"

Sergeant [redacted] continued his approach to the vehicle with the other team members from the van. Suspect Brouwer began yelling at the driver, "Go! Go! Drive! Drive! Sergeant [redacted] and other team members were yelling for all three occupants of the Honda to put their hands in the air. All team members were wearing black t-shirts and vests that identified them as Department members.

Sergeant [redacted] saw the driver's hand was on the stick shift and Suspect Brouwer was attempting to kick the stick shift into gear. He said the driver's door was either ajar, or he opened it and pulled [redacted] from the vehicle, handing him off to another team member.

Suspect Brouwer was yelling at the front seat passenger, [redacted] to get out of the car so she wouldn't be shot. Simultaneously, he was still kicking, attempting to engage the gear shift. Sergeant [redacted] saw the female exit the Honda, move away from it and lay on the ground.

Suspect Brouwer began leaning toward his left side, raising his right buttocks. His right foot was still kicking at the gear shift and his right hand was inside his right front pocket, while his left hand was holding his right pant leg. It appeared he was trying to remove an object from his right front pocket. As Suspect Brouwer's right hand exited the pocket, Sergeant [redacted] saw a gun in Suspect Brouwer's right hand.

Suspect Brouwer's head was moving from side to side, looking over his shoulders. It appeared to Sergeant [redacted] that Suspect Brouwer was deciding which way to turn. Sergeant [redacted] heard someone, he believes it was Detective Parga, yell, "Gun!", followed by one shot being fired. He saw Suspect Brouwer grab his leg which was now bleeding.

Sergeant [redacted] said that when Suspect Brouwer was shot, he saw Suspect Brouwer's gun go flying toward the gear shift area between the front seat. Suspect Brouwer yelled, "Kill me! Shoot me!" The female also began screaming and got off the ground. Suspect Brouwer was moving around inside the Honda. Sergeant [redacted] reached in, through the open driver's door, and removed the gun from the front seat area of the Honda and placed it on the roof of the car. Suspect Brouwer kicked Sergeant [redacted] several times, including kicking him in the groin.

Sergeant [redacted] ordered Detective [redacted] to holster his gun, knowing the suspect was covered by Detectives Parga and Ewing. Sergeant [redacted] and Detective [redacted] then both sprayed Suspect Brouwer with pepper spray. Suspect Brouwer tried to block the spray with a black bag. The spray had no effect on Suspect Brouwer and he continued yelling, "Shoot me! Kill me!"

Sergeant [redacted] ran out of pepper spray and grabbed Suspect Brouwer by the shoulders, pulling him from the Honda. Suspect Brouwer was still holding the bag in his hands. Sergeant [redacted] grabbed the suspect in a bear hug. Suspect Brouwer was trying to remove something from the bag. Suspect Brouwer's hands were forced behind his back and handcuffed.

Sergeant [redacted] ordered Detective Husbands to call for paramedics who responded and treated Suspect Brouwer for his injured leg. Sergeant [redacted] ordered Detective Ewing to videotape the entire scene, including the bullet proof vest paramedics cut off Suspect Brouwer. **(Refer to Exhibit A, page 80)**

Witness, **Detective** [redacted] was interviewed on June 13, 2000. His statement was substantially the same as the other sworn witnesses adding that he and all other arrest team members in the van were wearing black entry vests with the word "Sheriff" written in large yellow letters on the back of the vest.

In his statement Detective [redacted] stated that Detective Husbands blocked the Emery Street gate, with his maroon SUV. In fact, this vehicle belonged to Detective Acevado.

Detective [redacted] stated that Detective Ewing said he had a shot at Suspect Brouwer when the suspect was reaching into his pocket. Detective [redacted] stepped away from the vehicle because his shotgun was loaded with rifled slugs. As he stepped back, Detective Parga stepped forward to his right side. Deputy [redacted] saw Suspect Brouwer's hand come out of his right pocket. Detective [redacted] heard Detective Parga fire one round. Detective [redacted] saw a gun fly out of Suspect Brouwer's hand and onto the center console area of the Honda.

Because Suspect Brouwer was still moving about and yelling, "Shoot me! Kill me!", Sergeant [redacted] ordered Detective [redacted] to deploy pepper spray at the suspect. Sergeant [redacted] also sprayed Suspect Brouwer with pepper spray. Sergeant [redacted] then reached inside the vehicle and pulled Suspect Brouwer

out. Detective [redacted] ran around the back of the car and handcuffed Suspect Brouwer while Sergeant [redacted] held him onto the ground. **(Refer to Exhibit A, page 72)**

XIII. WITNESSES STATEMENTS:

Witness, Detective **Joseph Acevado** was interviewed on June 13, 2000, by Homicide Sergeants Anderson and Cain. Detective Acevado stated substantially the same as Sergeant [redacted] regarding the incidents leading up to the surveillance. Detective Acevado stated that information about the suspect vehicles and the fact that Suspect Brouwer may be armed and wearing a bullet proof vest were stated at the briefing.

Detective Acevado said he was assigned to monitor the airport access gate at Emery Street, just west of Tyler Street. He was driving a burgundy Nissan Pathfinder, which was a team vehicle.

Detective Acevado said that when the suspect vehicle (a black Honda) approached the gate, another vehicle was in front of the Honda. Detective Acevado allowed the first car to pull through the gate, leaving the airport. Detective Acevado then pulled his vehicle in front of the gate to prevent the suspect's Honda from leaving. This tactic had been discussed, during the initial briefing of the operation, as were many other tactics due to the suspect's propensity to flee.

Detective Acevado said he heard the single gunshot but did not see who actually shot because he was concentrating on the driver and passenger, who had exited the Honda and began walking in his direction. After the shot was fired Detective Acevado exited his vehicle and approached [redacted] (the driver) and [redacted] (the front seat passenger) who were now standing between the Honda and the Emery Street gate. He handcuffed both of them while they yelled for team members not to shoot Suspect Brouwer. While approaching the two, he heard Suspect Brouwer yelling, "Go ahead, shoot me, kill me!" After he handcuffed the two he saw that Suspect Brouwer had been removed from the car and was now on the ground.

Detective Acevado said he initially moved his Nissan Pathfinder to allow paramedics access to the suspect. When he learned the paramedics had used another gate to enter the airport, he moved his vehicle back to its original position.

Detective Acevado said he accompanied Suspect Brouwer to Los Angeles County-U.S.C. Medical Center. En route Suspect Brouwer complained that his face and head burned from the pepper spray and that his handcuffs were to tight. An ambulance attendant poured a bottle of saline over Suspect Brouwer's head and neck and Detective Acevado loosened the handcuffs.

Detective Acevado was dressed in a black tactical entry vest with "Sheriff" on the right breast area, visible in bright yellow print. **(Refer to Exhibit A, page 42)**

Witness, Detective **Craig Husbands**, was interviewed on June 13, 2000. Detective Husbands stated substantially the same as Sergeant [redacted] and Detective Acevado.

Detective Husband said he was assigned as a rover, moving to different locations while looking for Suspect Brouwer. He was wearing shorts and a T-shirt.

After Suspect Brouwer had entered the airport, and prior to his attempt to leave, Detective Husbands was tasked with allowing two uniformed Monrovia Police Department Officers onto the airport property. Detective Husbands was the only team member with a gate access card, allowing him to open the various gates. Detective Husbands responded to the Emery Street gate and began opening the gate. While doing so, he was advised that the suspects had again entered the black Honda and were leaving. Sergeant [redacted] ordered Detective Husbands to have the Monrovia Police to leave the area. Detective Husbands pulled his vehicle, a blue Ford Explorer (team vehicle), into the upper airport control tower parking lot road to get out of the way.

Detective Husbands pulled his car west of the Emery Street gate and parked outside of the chain link fence. He saw the suspect vehicle pull up to the gate and the white van (Sgt. [redacted] and arrest team) stop directly behind the suspect vehicle. Detective Husbands took cover behind the engine block of his vehicle.

After the shooting, Detective Husbands opened the Emery Street gate, allowing Detective Acevado to enter and assist the arrest team. Detective Husbands initiated radio traffic, requesting paramedics and advising that the team had been involved in a shooting. He also requested additional units to the location and began to establish a command post. **(Refer to Exhibit A, page 46)**

Witness, Detective **Troy Ewing,** was interviewed on June 13, 2000. Detective Ewing stated substantially the same as other sworn witnesses.

Detective Ewing said the original plan was to arrest Suspect Brouwer at Hangar Q-14. This did not occur because Suspect Brouwer was unable to enter the locked hangar doors. He returned to his vehicle, the black Honda, and was driven away.

When the Honda stopped at the Emery Street gate, Detective Ewing exited the white van through the rear door and approached the driver's side of the Honda with Sergeant [redacted] Detective Ewing identified himself as he approached the Honda. The rear seat passenger looked over his shoulder at Detective Ewing and he immediately recognized this person as Suspect Brouwer.

Detective Ewing said he did not see who shot Suspect Brouwer, only that the shot came from the right side of the Honda. After Suspect Brouwer was removed from the vehicle, Detective [redacted] handcuffed him. Detective Ewing removed Suspect Brouwer's gun from the roof of the Honda and placing it in the team's van. He then videotaped the scene and Suspect Brouwer's weapon. **(Refer to Exhibit A, page 77)**

Witness, **Lieutenant Richard DeWitt,** was interviewed on June 13, 2000. His statement is substantially the same as other sworn witnesses, adding that during the initial briefing several different options and tactics were discussed relating to the arrest of Suspect Brouwer.

Lieutenant DeWitt said he responded to the Emery Street gate when he heard the suspect vehicle was

driving away from the hangar. As he arrived, he heard over the radio that the Monrovia Police Department vehicle needed to move out of sight. Lieutenant DeWitt moved his team vehicle, a Chevrolet Camaro, into the driveway of a multi-unit housing complex. He heard Sergeant [redacted] initiate the tactical plan which would block the Emery Street gate, where the arrest team would take Suspect Brouwer into custody.

After the shooting, Lieutenant DeWitt returned to his vehicle and made notifications regarding the shooting. **(Refer to Exhibit A, page 49)**

CIVILIAN WITNESSES:

[redacted] was interviewed on June 13, 2000. [redacted] was the driver of the black Honda that Suspect Brouwer was arrested from.

Witness [redacted] said he received a telephone call from Suspect Brouwer on June 13, 2000, at approximately 1315 hours. Suspect Brouwer needed a ride. Witness [redacted] drove to a motel on Valley Boulevard, in El Monte and picked Suspect Brouwer up along with Suspect Brouwer's [redacted] Suspect Brouwer told Witness [redacted] to drive to the El Monte airport.

Once at the airport, Suspect Brouwer directed Witness [redacted] to hangar Q-14. Suspect Brouwer exited the vehicle and began banging on the Hangar Q-14 doors, but no one answered. Suspect Brouwer again entered the vehicle's rear passenger seat and told Witness [redacted] to drive to a different motel and drop him off.

Witness [redacted] began driving to the Emery Street gate to exit the airport. As he approached the gate he saw a vehicle blocking his exit. He waved the vehicle through the gate. As he did this, he saw a white van pull up behind his black Honda. He then saw his vehicle surrounded by "police." Witness [redacted] saw that all the officers were wearing vests that said "Sheriff" written on them. The deputies guns were drawn and they were yelling, "Get out of the car!" Suspect Brouwer began yelling, "Just fucking go!" Witness [redacted] said he was confused about what to do. After a moment both he and [redacted] exited the car.

Witness [redacted] said as soon as he exited the car he heard a "bang", then Suspect Brouwer said, "You fucking shot me!" Witness [redacted] looked back and saw the arrest team banging their weapons on the windows of the Honda. One deputy was inside the vehicle, Witness [redacted] believes he was trying to grab Suspect Brouwer from the car. Suspect Brouwer was "ripped" out of the car and wrestled to the ground.

Witness [redacted] said he had a pretty good idea that Suspect Brouwer had a gun, although he had not seen one on this day. The first time he learned a gun was in the car was when Sergeant [redacted] removed the gun and placed it on the roof of the Honda. Witness [redacted] believes that gun was the same as the one he saw Suspect Brouwer carrying 4-5 days earlier. He described the weapon as a blue steel 9mm or .45 caliber semiautomatic pistol.

Witness [redacted] also knew that Suspect Brouwer possessed body armor. Witness [redacted] also admitted that

Suspect Brouwer, prior to the shooting, indicated that he "Ain't going to jail. They can shoot me whatever the fuck."

Witness [redacted] also indicated that he buys methamphetamine from Suspect Brouwer and Suspect Brouwer had told him about previous crime activities including street robberies and assaults that had led to the COMNET surveillance. **(Refer to Exhibit A, page 65)**

No criminal charges were filed against Witness [redacted]

Witness [redacted] was interviewed on June 13, 2000. Witness [redacted] said she and Suspect Brouwer had a past [redacted] and she loves him. She knew Suspect Brouwer was wanted for a robbery and assault because she was detained, at gun point, during a surveillance conducted by Arcadia Police Department on May 26, 2000. Since that date she has kept news articles referring to Suspect Brouwer (Evidence Held, Item #7).

Witness [redacted] said [redacted] and his [redacted] drove her and Suspect Brouwer to an unknown motel on June 12, 2000, at approximately 2300 hours.

When Suspect Brouwer awoke on the morning of June 13, 2000, he dressed wearing a blue bullet resistant vest under his shirt. [redacted] was called to pick them up at the motel. Suspect Brouwer directed [redacted] to drive to the El Monte Airport so he could "tie up some loose ends."

Once at hangar Q-14, Suspect Brouwer exited the car and knocked on the hangar door. There was no answer. Suspect Brouwer again entered the rear passenger seat of the Honda and directed [redacted] to the Emery Street gate.

Witness [redacted] statement regarding the shooting is substantially the same as other witnesses, adding that she was actually inside the car when Detective Parga fired the one round through the rear passenger window. **(Refer to Exhibit A, page 95)**

No criminal charges were filed against Witness [redacted]

Witness [redacted] was interviewed on June 13, 2000. Witness [redacted] and [redacted] Witness [redacted] knows Suspect Brouwer and met him 3-4 years ago. Suspect Brouwer told him 3-4 weeks ago that he was on the run from police. Three to four days prior to the shooting, Witness [redacted] saw Suspect Brouwer at hangar J-2. Witness [redacted] asked [redacted] to call police. Witness [redacted] subsequently spoke to investigators from Arcadia and El Monte Police Departments, providing information regarding Suspect Brouwer's whereabouts.

On June 13, 2000, between 0030 and 0045 hours, Suspect Brouwer arrived at hangar Q-14 and asked Witness [redacted] if he could park his blue Pontiac Firebird inside the hangar. Witness [redacted] allowed him to park the car inside because he feared Suspect Brouwer.

While speaking to Witness [redacted] Suspect Brouwer showed him a blue steel pistol. During the night Suspect Brouwer told him he would not be taken alive by police and showed Witness [redacted] a bullet proof vest he was wearing.

Between 0300 and 0330, a girl arrived at the hangar in a black Honda. Suspect Brouwer left in the black Honda, with the girl. **(Refer to Exhibit A, page 37)**

[redacted] said she had inadvertently driven down Emery Street, while en route to pick up her [redacted] When she came to the dead end of Emery Street (airport gate) she saw a black car surrounded by police. The "police" were wearing "SWAT" type uniforms. Several of the officers were around the rear of the black car while others were further away. Witness [redacted] heard team members yelling orders to the person in the car (Suspect Brouwer). She remembers one officer yelling, "Come out or we will shoot!" Witness [redacted] continued driving westbound along the north fence line, into the airport's tower parking lot. She parked her car facing south and turned the ignition off. She continued to hear officer's shouting orders. She felt a shooting was imminent and ducked onto the driver's side floorboard. She heard one gunshot.

Witness [redacted] said she could not remember exactly what orders officers were yelling at the suspect. She said she was very frightened and wanted to leave. She did believe the officers were scared because of the pitch and tone of their voices. **(Refer to Exhibit A, page 57)**

[redacted] said he was [redacted] in front of hangar #B23A. When he removed himself from under the truck, he saw a black Honda at the Emery Street gate. Behind the Honda was a white van. Police officers had surrounded the Honda with their weapons pointed at the back windows. Witness [redacted] also saw [redacted] walking briskly toward the Emery Street gate. [redacted] exited the vehicle, through the passenger door, and sat on a red curb. An officer approached both [redacted] and [redacted] handcuffing them.

Witness [redacted] said he heard orders being issued by the team members. He could not recall exactly what they were saying, but it was something to the effect of, "Get your hands up." The team members were looking into the backseat of the Honda. He then heard one gunshot and saw a officer enter the car. He did not see or hear anything else because he moved to the door of the hangar and out of the line of sight. **(Refer to Exhibit A, page 59)**

[redacted] said she was [redacted] just west of the shooting scene during the incident. Her attention was drawn to the black Honda after she heard one gunshot. She saw approximately five deputies pointing their guns at the Honda and shouting, "Get out of the car!" When she looked again she saw five deputies trying to remove a person from the backseat of the car. The suspect was then on the ground and struggling. The suspect was eventually handcuffed.

Witness [redacted] said she only saw certain portions of the incident because she would have to continually look away, in a westerly direction, [redacted] **(Refer to Exhibit A, page 63)**

[redacted] said he was [redacted] when he was told by other [redacted] that they heard a gunshot. He looked to where a black Honda and white van were parked. Witness [redacted] saw approximately ten deputies, six on the driver's side of the Honda and four on the passenger side. He saw several deputies remove Suspect Brouwer from the Honda and put him on the ground. He saw the suspect and deputies struggling and one deputy punch and kick the suspect two to three times. He described this deputy as wearing a black shirt with Sheriff emblems and tan shorts. Witness [redacted] said the suspect stayed on the ground until paramedics arrived. **(Refer to Exhibit A, page 17)**

[redacted] said she was arriving [redacted] when she saw a white van and black Honda on the west side of the Emery Street gate. She also saw a blue SUV and other vehicles facing westbound, on the east side of the gate. She saw deputies climbing the fence and approaching other deputies who were approaching the Honda. She heard at least two, perhaps more gunshots. She did not see who shot nor the detention of the suspect, only many deputies surrounding the Honda after the "commotion." **(Refer to Exhibit A, page 18)**

[redacted] was interviewed on June 13, 2000. She said she was standing, in her driveway, when she heard policeman yelling "freeze" approximately four times. She looked toward the Emery Street gate and saw "policemen wearing vests." She also heard them yelling, "Put your hands up!" Witness [redacted] began to back toward her home when she heard one gunshot. **(Refer to Exhibit A, page 40)**

[redacted] said he was inside his [redacted] home when Witness [redacted] his [redacted] ran in and said, "Lock the door! The cops are shooting outside!" He then heard two to four gunshots. **(Refer to Exhibit A, page 40)**

[redacted] was inside the house when her [redacted] Witness [redacted] ran in yelling about a shooting. She did not see or hear anything. **(Refer to Exhibit A, page 40)**

[redacted] said she was outside with her [redacted] when she heard yelling or screaming, then two gunshots. All the noise was coming from the airport area. She believed a movie was being filmed until a woman (NFD) came over and said there had been a shooting in the airport. Witness [redacted] then called 9-1-1 and reported the shooting. **(Refer to Exhibit A, page 41)**

The remainder of the witnesses did not see or hear anything. [redacted] refused to be interviewed.

XIV. SUSPECT/INMATE STATEMENTS.

Suspect Brouwer refused to give a statement.

XV. MISCELLANEOUS SECTION:

Several other witnesses interviewed during the Homicide investigation gave background information regarding Suspect Brouwer. Some of that information included; Suspect Brouwer had been staying at approximately seven different locations between May 26, 2000 and June 13, 2000. Suspect Brouwer had

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 06/13/2001	Bureau/Station/Facility: PTD/IAB	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 000-01061-3699-055	Date: June 13, 2000 Time: 1330
City or Station: Monrovia	Nature of Incident: COMNET Task Force was attempting to arrest a feony suspect for 245/211 pc. Suspect retrieved pistol from his pants pocket. Deputy shot suspect once in the right thigh. Suspect continued to struggle. He was OC'D and taken into custody.
Location: El Monte Airport	

Location Type (circle one or more): Backyard, Beach, Business, Freeway, **Industrial**, Park, **Parking Lot**, Residence, Rural, School, Street, Other: ______

Lighting (circle only one): Darkness, **Daylight**, Other, Street Lights

Weather (circle only one): **Clear**, Cloudy, Fog, Rain

Distance: 3 feet

Incident Type (circle one or more): Accidental, **Armed Person**, **Fleeing Suspect**, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, **Traffic Stop**, Unarmed Person, Unintentional, Vehicle Pursuit, **Warrant Service**, Other: ______

Initiated by (circle only one): **Arrest Warrant**, Call, Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (circle only one): **Detective**, Inmate Transport, Other, Routine Patrol

Aero Unit? ☐ Canine Unit? ☐

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
1	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one)	ShiftType (circle only one)
[redacted]	Acevado	Joseph	A	EM PM **Day**	**Regular** Overtime Off Duty
[redacted]	Husbands	Craig	K	EM PM **Day**	**Regular** Overtime Off Duty
[redacted]	[redacted]	[redacted]		EM PM Day	**Regular** Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph [redacted]	Home Ph [redacted]	
Last Name [redacted]		First Name [redacted]		M.I.	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph [redacted]	Home Ph [redacted]	
Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph [redacted]	Home Ph [redacted]	

Supervisors

Employee #	Last Name	First Name	M.I	(circle one or more)
[redacted]	[redacted]	[redacted]	[redacted]	[redacted] Involved in shooting
[redacted]	Dewitt	Richard		**On Duty**, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
	n/a		

Watch Commander

Employee #	Last Name	First Name	M.I.
	n/a		

SISD Use Only

SH # 2014835

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

URN: 000-01061-3699-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
06/13/2000	1700	04/30/2001	

Employee #	Last Name	First Name	M.I
[redacted]	Gregg	Lawrence	R
[redacted]	Porlier	Clay	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E#1	S#1	FH	BR	9	Y	Y	GS	LE

Officer Involved Shooting
Involved Employee Information

URN: 000-01061-3699-055

Involved Employee

E 1

Employee # [redacted]	Last Name: Parga	First Name: Carlos	M.I.
Sex: m Race: H	Rank: Deputy	Unit Assignment: Narcotics	Work Assignment (Unit #, Module, etc.): COMNET
ShiftTime (*circle only one*): EM PM (Day)	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 6 hours	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, (Raid Jacket w/ Vest), Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted]	Height: 6'0" Weight: 205		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height: Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height: Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 000-01061-3699-055

Suspect Information

S 1

Last Name: Brouwer	First Name: Brian	M.I.: A
AKA Last Name: "Smallbrains"	First Name:	M.I.:

Sex: M Race: White	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 29 D.O.B. 11/05/70	Height: 511 Weight: 170	FBI #: [redacted]	CII #: [redacted]
Booking #: 6496-001	Primary Charge: A187 PC	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☒	Substance Used: Methamphetamine
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Honda		Model: Civic	Year: 1996

S __

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S __

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

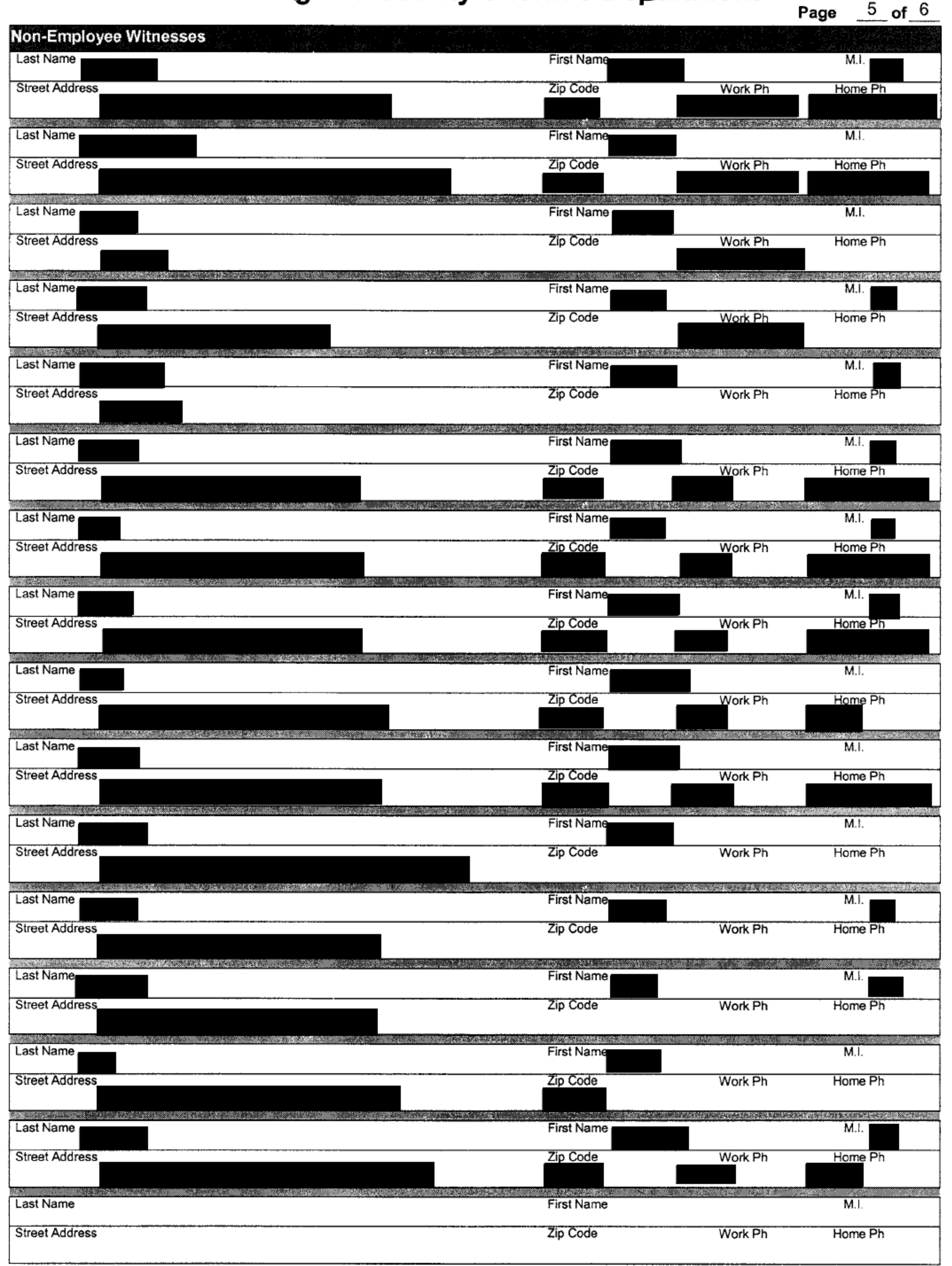
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S __

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

See Other Side



SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]		[redacted]	
[redacted]	[redacted]	[redacted]	[redacted]		[redacted]	
[redacted]	[redacted]	[redacted]	[redacted]			
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]			
[redacted]	[redacted]	[redacted]	[redacted]			
[redacted]	[redacted]	[redacted]	[redacted]			
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name		M.I.
Ewing	Troy		
Street Address	**Zip Code**	**Work Ph**	**Home Ph**
employee # [redacted]			
Last Name	**First Name**		**M.I.**
Street Address	**Zip Code**	**Work Ph**	**Home Ph**
Last Name	**First Name**		**M.I.**
Street Address	**Zip Code**	**Work Ph**	**Home Ph**
Last Name	**First Name**		**M.I.**
Street Address	**Zip Code**	**Work Ph**	**Home Ph**
Last Name	**First Name**		**M.I.**
Street Address	**Zip Code**	**Work Ph**	**Home Ph**
Last Name	**First Name**		**M.I.**
Street Address	**Zip Code**	**Work Ph**	**Home Ph**
Last Name	**First Name**		**M.I.**
Street Address	**Zip Code**	**Work Ph**	**Home Ph**
Last Name	**First Name**		**M.I.**
Street Address	**Zip Code**	**Work Ph**	**Home Ph**
Last Name	**First Name**		**M.I.**
Street Address	**Zip Code**	**Work Ph**	**Home Ph**
Last Name	**First Name**		**M.I.**
Street Address	**Zip Code**	**Work Ph**	**Home Ph**
Last Name	**First Name**		**M.I.**
Street Address	**Zip Code**	**Work Ph**	**Home Ph**
Last Name	**First Name**		**M.I.**
Street Address	**Zip Code**	**Work Ph**	**Home Ph**
Last Name	**First Name**		**M.I.**
Street Address	**Zip Code**	**Work Ph**	**Home Ph**
Last Name	**First Name**		**M.I.**
Street Address	**Zip Code**	**Work Ph**	**Home Ph**
Last Name	**First Name**		**M.I.**
Street Address	**Zip Code**	**Work Ph**	**Home Ph**
Last Name	**First Name**		**M.I.**
Street Address	**Zip Code**	**Work Ph**	**Home Ph**



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
LAWRENCE E. MASON • Chief Deputy District Attorney
PETER BOZANICH • Assistant District Attorney

DAVID H. GUTHMAN • Director

August 30, 2001

Captain Frank Merriman
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Los Angeles, California 90040

Dear Captain Merriman:

RE: J.S.I.D. File No. 100-8711/00-0342
L.A.S.D. File No. 000-01061-3699-055

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 13, 2000, non-fatal shooting of Brian Brouwer by Los Angeles County Sheriff's Deputy Carlos Parga. We find that the action taken by Deputy Parga was a lawful defense of self and others.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department, Homicide Bureau, submitted to this office by Sergeant Randy Seymour on March 26, 2001, and an examination of photographs taken of the scene. Additionally, the District Attorney Command Center was notified of the shooting approximately thirty-five minutes after the incident. The District Attorney Response Team, comprised of Deputy District Attorney Susan Chasworth and Senior Investigator [redacted] responded to the scene. They were given a briefing on the circumstances surrounding the shooting, provided a walk-through of the scene, and participated in interviewing several witnesses.

Criminal Courts Building
210 West Temple Street
Los Angeles, CA 90012-3210

FACTUAL ANALYSIS

In the Spring of 2000 officers from the Community Oriented Multi-agency Narcotics Enforcement Task Force (COMNET) learned that Brian Brouwer had committed several drug-related armed robberies in the San Gabriel Valley. On June 1, 2000, a warrant issued for his arrest for an armed robbery and assault in Temple City. Sources informed police that Brouwer, a parolee, was armed with a handgun and a bullet-proof vest. His gun was loaded with hollow-point bullets which, he boasted, would tear through the bullet-proof vests of police in the event of a shoot-out. According to Brouwer, he was not going to be taken alive because he feared returning to prison.

With this information officers of COMNET devised a plan for his capture. Sources reported that Brouwer had been seen at the El Monte Airport. Authorities planned to surveil the airport until Brouwer arrived. Once seen, officers would wait for him to leave. As he attempted to exit through one of the airport gates, a COMNET officer would block his egress with a vehicle. Simultaneously, other officers would block his vehicle from the rear and apprehend him.

On June 13th, COMNET officers were surveilling the airport when they saw a black Honda Civic enter the premises. Because sources had revealed that Brouwer had been seen in a car of that description, officers tried to identify the occupants but were unable to do so from a distance. They watched as the car approached Hangar Q-14 where an occupant got out and began knocking at the door of the hangar. After several moments and no answer at the door, the male re-entered the Honda and it drove off toward the Emery Avenue gate. Although they were unable to determine whether Brouwer was inside, the decision was made to stop the car.

As the Honda approached the Emery Avenue exit, a truck occupied by a task force member pulled opposite the Honda as if to enter the gate from the other side. The driver of the Honda, a blonde male later identified as [redacted] waved the truck through, but received no response. Simultaneously, an undercover white van pulled to within eight feet of the rear of the Honda. Inside the van were Los Angeles County Sheriff's Deputies Carlos Parga, Troy Ewing, [redacted] and Sergeant [redacted] According to the operations plan, once the Honda was blocked, the four were to step from the van and fan out around both sides of the car. They were then to order the occupants to step from the Honda so that they could apprehend Brouwer.

As soon as the van stopped the plan went into effect. All four deputies got out and began to surround the Honda. At this point they still did not know whether Brouwer was inside. As such, identification of the occupants was of the highest priority. As Sergeant [redacted] approached the driver's side of the car, the sole occupant of the backseat turned and looked directly at him. [redacted]ecognized that it was Brouwer and immediately alerted the other deputies by shouting, "Suspect! Suspect!"

All of the officers, their guns drawn, began ordering the occupants out of the car. The front seat passenger was a female named [redacted] Both she and the driver, [redacted] confused in the commotion, hesitated before stepping from the car. Amid shouts from [redacted] deputies heard Brouwer yelling to [redacted] "Drive! Drive!" Finally, [redacted] and [redacted] got out of the car and were pulled some distance away and ordered to the ground by the deputies.

Brouwer continued to resist while repeatedly shouting at the deputies to shoot him. As the deputies continued to order him from the car, he lifted himself off of the rear seat, twisted to his left, and placed his right hand deep into his right pocket. He rotated his body back and forth as if trying to pull something from the pocket. He used his left hand to brace his pocket as he continued to dig with his right. Deputy Parga was watching Brouwer through the right rear window of the car. He heard Brouwer yell several times, "Shoot me! Shoot me!" As Brouwer continued to move, his shirt lifted and Parga could see that Brouwer was wearing a bullet-proof vest. Parga continued to focus on Brouwer's hands, while continuing to order Brouwer from the car.

Suddenly, Brouwer removed a blue-steel pistol from his right front pocket and leaned toward Sergeant [redacted] who remained on the driver's side of the Honda. Parga immediately fired one round at Brouwer through the rear passenger side window. The shot struck him in the right thigh. As soon as the shot was fired, the gun leapt from Brouwer's hand toward the stick shift of the vehicle. After a moment, Sergeant [redacted] recovered it and placed it on the roof of the car. Brouwer continued to yell words to the effect of, "Kill me! Kill me!" or, "Shoot me! Shoot me!" and continued to resist the deputies' repeated commands that he surrender. Finally, at Sergeant [redacted] command, pepper spray was directed at Brouwer. It had little effect. Brouwer continued to flail about in the small rear seat area. At one point he threw a backpack at the deputies. Finally, with [redacted] and [redacted] shouting at the deputies and the deputies shouting at Brouwer, Sergeant [redacted] reached into the car and pulled Brouwer from the driver's side of the vehicle. He was immediately handcuffed and stopped resisting, saying, "O.K. You got me. I give."

Brouwer was treated at the scene by emergency medical personnel for a single gunshot wound to the right thigh. On February 7, 2001, defendant Brian Brouwer pled guilty to one count of assault with a firearm on a peace officer in violation of Penal Code section 245(d), and one count of assault with a firearm in violation of Penal Code Section 245(b)[1]. He was sentenced to nineteen years in state prison.

LEGAL ANALYSIS

The use of deadly force in self-defense or in the defense of another is permitted if it reasonably appears to the person claiming the right of self-defense, or the defense of

[1] Los Angeles County Superior Court Case Number GA042931

another, that he actually and reasonably believed that he was in imminent danger of great bodily injury or death. *People v. Williams (1977) 75 Cal.App3d 731.*

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. *California Jury Instructions (Criminal) 5.30., 5.32.*

Actual danger is not necessary to justify the use of deadly force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person would believe, will result in death or great bodily injury, he may act upon those appearances. *California Jury Instructions (Criminal) 5.51.*

Applying these standards to the facts of this case, it is clear that the actions of Deputy Carlos Parga were justified. In making this finding, it is important to examine all of the facts known to Parga in the hours, minutes, and seconds before his use of deadly force.

In the hours before the shooting, Deputy Parga had been briefed, as were all the COMNET officers, that Brouwer was likely armed and dangerous. Departmental sources had learned that Brouwer had recently been involved in several robberies and assaults, all involving the use of a firearm. They had also learned that he was a parolee who was fearful of returning to prison and, therefore, was likely to use deadly force against officers. To that end, sources confirmed that he was wearing a bullet-proof vest and that Brouwer boasted that his gun was loaded with hollow point bullets for the purpose of killing any police officers that tried to arrest him.

In the minutes before the shooting, the approaching COMNET officers did not even know if Brouwer was in the car. That fact was only determined when Sergeant [redacted] identified Brouwer upon his approach of the Honda. At that moment events moved very quickly. All of the deputies began ordering the three occupants from the car. Brouwer shouted at [redacted] to continue driving. He refused, however, and, with [redacted] hesitated before complying with the deputies' commands. Once [redacted] and [redacted] did comply, they were ushered away from the car and made to lay on the ground. Meanwhile, Brouwer repeatedly yelled, "Shoot me!," while twisting his body and digging into his right pants pocket. Parga did not know what Brouwer was reaching for but, as Brouwer twisted his body, Parga saw that Brouwer was wearing a bullet-proof vest. It was not, therefore, unreasonable for Parga to think Brouwer was reaching for a gun.

Finally, in the seconds before he fired, Parga saw Brouwer pull a handgun from his pocket and lean toward Sergeant [redacted] on the driver's side of the car. Knowing of Brouwer's previously stated violent intentions, Parga acted with commendable restraint in firing only one shot at Brouwer. His discharge was clearly designed to dissipate the threat posed by Brouwer. Once the threat waned, he fired no more. Clearly, under the

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COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: June 11, 2001

OFFICE CORRESPONDENCE

FILE:

FROM: RICHARD L. CASTRO, COMMANDER
PERSONNEL AND TRAINING DIVISION

TO: ARTHUR NG, CAPTAIN
NARCOTICS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, JUNE 13, 2000, IAB REVIEW #2014835**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on June 13, 2000.

The Committee met on June 7, 2001 and consisted of myself, Commander David Betkey (Commander of the Department) and Commander Richard Martinez (Court Services Division). The Committee determined that the use of force by Sergeant [redacted] #[redacted] and Deputies Carlos Parga #[redacted] and [redacted] #[redacted] was within Department policy. Please advise these personnel of this finding.

RLC:KRK:kk